

**Notice of Allowability**

Application No.

09/683,611

Applicant(s)

MULLEN ET AL.

Examiner

Art Unit

Quang N Nguyen

2141

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 10/11/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-7 and 9-17.
3. ☒ The drawings filed on 24 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Statement of Reasons for Allowance***

1. Claims 1-3, 5-7 and 9-17 are allowed.

2. Pursuant to MPEP 606.01, the title has been changed to read:

-- SYSTEM AND METHOD FOR REMOTE ACCESS AND DISPLAY OF DIAGNOSTIC IMAGES FOR SERVICE DELIVERY FROM A SERVICE CENTRAL FACILITY --

3. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 10/11/2005, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

**BABULA et al. (US 2002/0004798 A1)**, teach a method and system for providing remote service to medical diagnostic systems via a centralized service facility, wherein the centralized service facility is configured to receive service requests from diagnostic systems of different modalities, type, location and so forth (**BABULA**, Abstract). **BABULA** discloses that the management system 70 (*i.e.*, *computerized device*) can be coupled to the system controllers (*i.e.*, *scanners*) in an intranet configuration such as in

Art Unit: 2141

a radiology department of a hospital or clinic, wherein the management system 70 is capable of viewing system operational parameters, analyzing system utilization, and exchanging service requests and data between the facility 20 and the service facility 22 (BABULA, paragraph [0036-0037]).

However, the prior art of record fails to teach or suggest individually or in combination that a computerized device receives information specifying a particular scanner, monitors traffic at a location on the local area network that the specified scanner is connected to; captures any DICOM object originating from that specified scanner, wherein the transmitted DICOM object is being addressed to a receiving device connected to the local area network and comprising at least one image frame acquired by the specified scanner; sends said captured DICOM object to a central service facility via a network other than said local area network, wherein said monitoring, capturing and sending steps are performed by said computerized device having an address different from the address of said receiving device as set forth in independent claims 1, 9 and 15. Claims 1-3, 5-7 and 9-17 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's arguments on pages 8-9 of the Remarks filed on 10/11/2005 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention including specifying one of the scanners on the local area network to a computerized device that will monitor traffic for the presence of any DICOM object originating from the specified

scanner and the steps of monitoring, capturing and sending the DICOM object comprising at least one image frame acquired by the specified scanner to the central service facility for diagnosing are performed by the computerized device having an address different from the address of the receiving device, as claimed in the invention to allow the central service facility, in response to a service request, upon learning the identity and location of the possibly malfunctioning scanner, to instruct the data capture device to monitor the network traffic, capture DICOM communications originated from the malfunctioning scanner and transmit said captured DICOM communications to the central service facility for diagnosis of the image quality problem (see **Remarks**, pages 8-9 and see **Specification**, paragraph [0035]).


4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements of Reasons for Allowance."

Art Unit: 2141

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER